

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:96CR13-12
	§	
CEDRIC DONELLE JONES	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 21, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by James Peacock.

On August 9, 1996, Defendant was sentenced by the Honorable Paul Brown, United States District Judge, to a sentence of 210 months imprisonment followed by a 5-year term of supervised release for the offense of conspiracy to possess with intent to distribute more than 50 grams of cocaine base (Count 1) and a 6-year term of supervised release, for the offense of possession with intent to distribute cocaine base within 1,000 feet of a public housing authority (Count 49). Pursuant to a motion filed in accordance with Title 18 U.S.C. 3582(c)(2), on April 22, 2008, the term of imprisonment was reduced to 168 months. Defendant began his term of supervision on September 9, 2008. This matter was assigned to the U.S. District Judge Michael H. Schneider on August 24, 2010.

On May 23, 2011, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 577). The Petition asserts that Defendant violated

the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; and (4) Defendant shall pay a \$5,000 fine due immediately.

The Petition alleges that Defendant committed the following violations: (1) On or about July 27, 2010, Defendant was arrested by the Sherman, Texas, Police Department and charged with aggravated assault with a deadly weapon - family violence. It is alleged that Defendant got into an argument with his live-in girlfriend, Tanisha Rayford, at their residence and began swinging two knives at the unarmed individuals in the home. This charge was abandoned in conjunction with a plea agreement on March 10, 2011, adding Count 3 to the Indictment and charging Defendant with committing the offense of unlawful restraint and recklessly exposing the victim to serious bodily injury. On March 10, 2011, Defendant pled guilty to committing the offense of unlawful restraint expose to serious bodily injury in the 59th District Court of Grayson County, Texas, Case No. 059950, and was sentenced to two years in state jail; (2) On or about July 27, 2010, Defendant associated with Deshawnte Jermaine Palmer, without the permission of the probation officer, at his residence located at 902 W. Houston St., in Sherman, Texas, who has previously been convicted of a felony in the 59th District Court of Grayson County, Texas, in Case Nos. 055804-59 and 055805-59; (3) Defendant has failed to submit a written monthly report for the months of October and November, 2009, as well as January, March, April, May, June and July, 2010; and (4) On September 9, 2008, Defendant was instructed to pay at least \$50 per month toward the fine. Defendant has

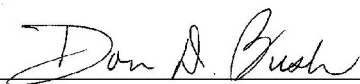
failed to make fine payments as instructed for the months of January, March, April, June, August, September, October, and December 2009, as well as January, March, April, May, June, July and August, 2010. As of May 23, 2011, an outstanding fine balance of \$4,297.00 remains.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the June 21, 2011 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty-seven (37) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 7th day of July, 2011.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE